

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Schaffer,

Plaintiff,

v.

GeneDx, LLC et al.,

Defendants.

25-CV-2550 (DEH)

MEMORANDUM ORDER

DALE E. HO, United States District Judge:

On March 27, 2025, Plaintiff filed the Complaint in this case. ECF No. 1. On April 21, 2025, Defendants filed a motion to dismiss. ECF No. 12. On May 5, 2025, Plaintiff filed a letter motion seeking an extension of time to respond to Defendants' motion to dismiss. ECF No. 17. The letter stated, *inter alia*, that "[g]ood cause exists for the request for an extension of time of 1 month as it would allow for legal research and *preparation of the memorandum in opposition to the Motion to Dismiss.*" *Id.* (emphasis added). Defendants opposed the request for a one-month extension. *See* Letter, ECF No. 18. On May 7, 2025, the Court granted Plaintiff's request in part, setting a deadline of May 21, 2025, for Plaintiff to file an opposition to Defendants' motion to dismiss. Order, ECF No. 20.

Rather than file an opposition, as it explicitly requested in its extension request and as the Court contemplated in its May 7 Order, Plaintiffs filed an Amended Complaint on May 21, 2025. ECF No. 21. Later that day, Defendants filed a letter requesting to strike Plaintiff's Amended Complaint. *See* Letter, ECF No. 22. Defendants noted in their letter that the deadline for Plaintiff to file an amended complaint as a matter of course<sup>1</sup> had passed and that the extension granted by the Court was for Plaintiff to file an opposition to their motion to dismiss, not to file an amended

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<sup>1</sup> *See* Fed. R. Civ. P. 15(a)(1)(B).

complaint. *Id.* at 1. Because Plaintiff filed the Amended Complaint without first seeking Defendants' consent or leave of court<sup>2</sup>, Defendants argued it should be stricken. *Id.* at 2.

As a courtesy, the Court construes Plaintiff's request for an extension of time to respond to Defendants' motion to dismiss as also including a request to, in the alternative, file an amended complaint. By **Wednesday, May 28, 2025**, Plaintiff shall file a revised Proposed Amended Complaint along with a redline comparison to the original Complaint, in accordance with Local Rule 15.1. Defendants' deadline to respond shall be stayed pending the Court's approval of Plaintiff's Proposed Amended Complaint.

The parties are directed to disregard the Order at ECF No. 23 and the instructions contained therein. The Clerk of Court is respectfully directed to permanently strike the Order at ECF No. 23.

SO ORDERED.

Dated: May 23, 2025  
New York, New York



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DALE E. HO  
United States District Judge

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<sup>2</sup> See Fed. R. Civ. P. 15(a)(2).